

THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.24304 of 2000

Dated: 16-12-2005

Between:

Smt M.Saroja, w/o Late M.Siddappa
& another.

.....PETITIONERS

AND

The A.P.S.R.T.C rep by its Managing
Director, Musheerabad, Hyderabad
& 2 others.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.24304 of 2000

ORDER:

This writ petition is filed to declare the proceedings No.03/756 (1)/98-GTL dated 25-10-2000 of the 2nd respondent rejecting the case of the 2nd petitioner for the post of Cleaner/Conductor as illegal and arbitrary, and consequently to direct the respondents to consider the case of the 2nd petitioner for appointment to the post of Cleaner/Conductor or to any suitable post on compassionate grounds.

The brief facts leading to the filing of the instant writ petition can be narrated as follows:

The husband of the petitioner Mr. M. Siddapa, Conductor of Guntakal Depot engaged on daily wages died in harness on 19-12-1997 leaving behind all the family members who are facing hardship to eak-out their livelihood. When the 1st petitioner approached the respondents by filing representation, the

3rd respondent has advised her to submit application with all details of her son, and in pursuance of the said advise, the 1st petitioner submitted application on 19-3-1998 which was rejected by proceedings dated 02-12-1999 on the ground that her son is

under-aged, and the 1st petitioner was advised to claim additional monetary benefit. Another application filed by the 1st petitioner was also rejected by the corporation by proceedings

No. 03/756(I)/98-GTL dated 25-10-2000 on the ground that the circular debars compassionate appointment of the dependants of the casual employee who died in harness and as she is getting pension from the Defense Service. Hence, this writ petition.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

It is brought to the notice of this Court by the learned Standing Counsel for A.P.S.R.T.C that subsequently on 5-5-2000 the Corporation has issued Circular No. PD.30/2000 under Bread Winner Scheme to appoint the dependants of the employees who died in harness, and in terms of the said circular under Clause VII (9) the petitioner is eligible only for Compassionate Monetary Benefit and not employment. Clause VII (9) of the Circular clearly specifies that "the dependants of Casual employees died in harness are eligible for Compassionate Monetary Benefit only ". The learned counsel for the petitioners having taken note of the above circular, prayed that a direction be given to the respondents to pay compassionate monetary benefit to the petitioners.

Having regard to the stand taken by the counsel, the Writ Petition is disposed of with a direction to the 3rd respondent to consider the case of the petitioner in terms of the Clause VII (9) of Circular No.PD.30/2000 dated 5-5-2000, in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order. No costs.

(N.V. RAMANA, J.)

Date: 16th December, 2005.

GRK